

Attorney Docket No. C1040.70010US00 Express Mail Label No: EV292457735US Date of Deposit: February 2005

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

222-25-65

Applicant:

McCluskie et al.

Serial No.:

09/768,012

Confirmation No.:

9273

Filed:

January 22, 2001
IMMUNOSTIMULATORY NUCLEIC ACIDS FOR

For:

INDUCING A TH2 IMMUNE RESPONSE

Examiner:

Dave Trong Nguyen

Art Unit:

1632

## MAIL STOP AMENDMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Submission to Preserve Rights Under 35 U.S.C. § 135
- Information Disclosure Statement
- PTO Form 1449
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

Maria A. Trevisan, Reg. No. 48,207 Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

Telephone: (617) 646-8000

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Examiner: Dave Trong Nguyen

Art Unit: 1632

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF **DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98** 

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

#### PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

## PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

## PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims; - 2 -

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the

cited information has been fully considered by the Patent and Trademark Office during the

examination of this application;

3. The citations for the information be printed on any patent which issues from this

application.

By submitting this Information Disclosure Statement, the Applicant makes no

representation that a search has been performed, of the extent of any search performed, or

that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no

representation that the information cited in the Statement is, or is considered to be, material to

patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no

representation that the information cited in the Statement is, or is considered to be, in fact,

prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his

own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

Mulliall

Maria A. Trevisan, Reg. No. 48,207 Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

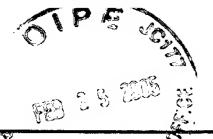
Boston, Massachusetts 02210-2206

Telephone: (617) 646-8000

Docket No.: C1040.70010US00

Date: February 35, 2005

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# FORM PARAMASSIA and B (Modified) **INFORMATION DISCLOSURE** STATEMENT BY APPLICANT

of

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APPLICATION NO.: 09/768,012 ATTY. DOCKET NO.: C1040.70010US00 FILING DATE: **CONFIRMATION NO.: 9273** January 22, 2001 McCluskie et al. APPLICANT:

**GROUP ART UNIT:** EXAMINER: Dave Trong Nguyen 1632

#### U.S. PATENT DOCUMENTS

Date of Publication or of issue	Name of Patentee or Applicant of Cited	ıment	U.S. Patent Docu	Cite No.	Examiner's Initials		
of Cited Document MM-DD-YYYY		Document				Kind Code	Number
04	02-26-2004	Haensler et al.		Al	US 2004/0038922	A1	
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Examiner's Initials	Cite	Foreign Patent Document		nent	Name of Patentee or Applicant of Cited	Date of Publication of	Translation
		No.	Office/ Country	Number	Kind Code	Document (not necessary)	Cited Document MM-DD-YYYY

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translatior (Y/N)
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EXAMINER:	DATE CONSIDERED:	
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

<sup>\*</sup>a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_, filed \_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).